Transcript of the International Agency's Joint Press Conference in CPIC

Subject: **JOINT PRESS CONFERENCE – 12 September 2002**

1. The following attended the regular Press Conference held at the CPIC at 11:30 hours on Thursday 12 September 2002:

Agency	Spokesperson	Topic
a. OHR	Oleg Milisic	• Comments on reports of the FBiH Minister of Urbanism's Press Conference. • HR in Banja Luka. • HR attends HJPC inaugural session.
b. OSCE	Urdur Gunnarsdottir	• PLIP new strategic direction.
c. UNMIBH	Alun Roberts	• SRGS to visit Gorzde. • Need for appointments to be made for the Director and two Deputies for the BiH Information and Protection Agency. • Intensified joint local police and IPTF patrols in Kozarac.
d. ICTY	Rafik Hodzic	• Recent debate related to events in Srebrenica.
e. SFOR	Lieutenant Commander Yves Vanier	• SFOR detained an individual suspected of having a terrorist link.

2. Forty-five members of the media and six television crews attended the conference.

3. The transcript of the questions and answers is attached.

C. Barraud
Lt. Col. (FR A),
Chief Operations and Plans

Oleg Milisic– OHR

Good morning everybody. I have a number of items for you today.

First, A comment on reports of the Federation Bosnia and Herzegovina Minister of Urbanism's Press Conference yesterday.

According to media reports today, the Federation Minister of Urbanism, Ramiz Mehmedagic, at a press conference yesterday announced that the Federation Government is considering the annulment of JNA Apartment Privatisation, which took place in 1991 and 1992. However, the Human Rights Chamber confirmed that these privatisation's were carried out legally at the time so such a retroactive amendment now would violate the ruling of the Chamber on Article 3a. As you this was a ruling, which any case should have implemented by 7th June this year.

As you are all probably aware, the Human Rights Chamber found Article 3a of the Federation of Bosnia and Herzegovina Law on Abandoned Apartments unconstitutional in cases where the pre-war occupant privatised the apartment. The Chamber also found that any individual, who concluded a contract on purchase of the apartment with the JNA prior to 1992, must be allowed to repossess the property.

Furthermore, the Minister, at his press conference, reports that he and the Office of the High Representative are close to

finding a solution to the Article 3.a. issue, these reports are far from correct. The Federation of Bosnia and Herzegovina Ministry of Defence is yet to revise their proposal presented in May of this year, which was completely inadequate.

The Principle Deputy High Representative Don Hays, yesterday, sent a letter to the Federation Prime Minister and Minister Mehmedagic, stating our legal experts would meet with them, but before that they have to provide a new proposal for amending Article 3a, new proposal, which updates their proposal from May 2002.

Secondly, the High Representative Paddy Ashdown, will be in Banja Luka tomorrow where, amongst other meetings he will be addressing the RSNA. There will be more on this from Julian Braithwaite at his briefing after this press conference and following the Board of Principles meeting, that is going on right now.

Finally, on Saturday the High Representative will address the inaugural session of the High Judicial and Prosecutorial Councils of Bosnia and Herzegovina and both Entities. The High Judicial and Prosecutorial Councils are one of the central building blocks of the judicial reform process, its job is to ensure an independent judiciary that works for all citizens of Bosnia and Herzegovina; fairly, impartially and efficiently.

The Councils themselves are charged with the appointment of all judges and prosecutors in Bosnia and Herzegovina, with the exception of the Constitutional and Minor Offence Courts. They will also conduct proceedings against judges and prosecutors alleged to have committed disciplinary offences.

In addition to appointing and disciplining judges and prosecutors, the Councils will in the future carry out a range of other activities, such as supervising advanced professional training for judges and prosecutors and recommending future funding to Parliaments. There will be a media advisory with

all the details of both the speech to the RSNA and the inaugural session of the High Judicial and Prosecutorial Councils, which will be issued shortly. Thank you very much, that is all I have for you.

Urdur Gunnarsdottir – OSCE

Good morning everyone. For those of you, that did not attend today's first press conference.

This morning the Property Law Implementation agencies held a press conference introducing the so-called, New Strategic Direction. The New Strategic Direction demands and end to selective implementation of the property law. It sets out the approach of the PLIP agencies to completing the process of property law implementation. I want to reiterate the deadline for the New Strategic Direction. As of 15 October, full implementation of the new policy will start.

This will give the local authorities time to finalise their preparations to set the new policy in motion and to take all steps to provide alternative accommodation. A press release is on the table outside and the full text of the plan is in English and will be available in local language shortly. Thank you very much.

Alun Roberts – UNMIBH

Good morning from UNMIBH. The following points this morning.

First of all, the Untied Nations Special Representative of the Secretary General Jacque Paul Klein, will visit Gorzde, on Friday 13 September. As part of the visit a ceremony marking the donation of the United Nations Trust Fund to Gorzde community sports hall, will be held at the hall at 12:10 tomorrow.

The Special Representative of the Secretary General, will participate in the ceremony and officially open the sports

hall reconstructed with a United Nations Trust Fund donation worth over 110,000 KM.

Prior to the ceremony the Special Representative of the Secretary General, will meet with the top officials of the Bosnia-Podrinje Canton, the Governor, the Prime Minister and the Minister of Interior as well as the Gorzde Mayor. The meeting will be held at 11:15, in the office of the Governor of Gorzde.

The second point is just to re-emphasise again from UNMIBH, the need for appointments to be cleared or made for the Director and two Deputies for the Bosnia and Herzegovina Information and Protection Agency. State Intelligence Protection Agency the law that sets out the authorities and procedure of State Intelligence Protection Agency has been adopted by the Bosnia and Herzegovina Council of Ministers, it is now a matter for the Bosnia and Herzegovina Presidency to address.

UNMIBH urges the Presidency to address this matter and make the appointment of the Director and two Deputies, as a matter of priority and to do so urgently.

I would like to say a few words about the situation in the Kozarac settlement near Prijedor. The Deputy IPTF Commissioner Sven Frederiksen, has received a detailed report from United Nations IPTF Regional Headquarters in Banja Luka, giving a step-by-step assessment on the disturbances and violence that occurred in the early hours of Monday morning in Kozarac near Prijedor. While IPTF will make a number of recommendations based upon the report there are some initial assessments that can be made now.

First of all, knowing the sensitivity of Kozarac in the early stages of the war and its close proximity to Prijedor, as well as the large number of Bosniak returnees who have gone back. The local police in Prijedor appear to have failed to make any

advance plans in seeing ahead after the celebration that took lace in Prijedor on the early hours of Monday morning. Of putting in advance police patrols to be visible in and around Kozarac, to prevent demonstrators causing the level of damage and violence that occurred. There is again the need for police to take better responsibility and look ahead, rather then wait and perhaps be instructed, in this case by IPTF on what they might and should do.

Secondly, there needs to be a much closer liaison between the Municipal Authorities in Prijedor throughout, the mayor's office, the police, and the judiciary. As well as liaison with the Bosniak community in better dialogue to overcome these kind of problems, and when they have occurred of what action should be taken in a joint fashion rather then in separate approaches and statements made in isolation, by each of the various communities.

Last of all, in future days to come, intensified joint local police and IPTF patrols in Kozarac, to send a message that IPTF are also taking seriously the concerns of the Bosniak leadership and returnees, wanting a secure and safe environment in Kozarac settlement as other returnees go along. Those are the main points we have this morning, there is a press release outside, in regard to Kozarac, which you can take away after the press conference.

Rafik Hodzic – ICTY

Good morning.

In view of the recent debate on the events that have occurred in Srebrenica, in 1995 and the implication made that the number of victims the way in which, they died or the locations of their death were unknown, ICTY would like to make the following statement.

All indictments issued by the ICTY are related to specific charges against specific individuals. These charges are

always related to particular crimes, which occurred during the armed conflicts in the former Yugoslavia since 1991.

Every indictment issued by the Office of the Prosecutor is submitted to a judge for confirmation, along with supporting material. In order to confirm the indictment, the judge will examine the supporting material and determine whether there are reasonable grounds to believe that the alleged crimes occurred and that the indicted person can be held responsible.

Once the accused is in custody and the trial begins, the Prosecution will present, what is called, "crime base evidence" to prove that the crimes happened. Such evidence includes material evidence compiled during exhumations of bodies of victims, forensic, ballistic and other expert reports prepared by independent investigators as well as witness statements, which most often include statements of victims who survived the crimes.

The burden of proof is always on the Prosecution, the Defence can choose to present evidence it deems necessary to refute the Prosecution's allegations, the Defence can also choose not to dispute certain evidence.

Then a Trial Chamber will consider and weigh all evidence presented at trial, they will then issue a written judgement. ICTY judgements have so far had between 70 to 550 pages, when published, these events will be described in great detail and the findings on both the facts and the law applied.

Both the Prosecution and the Defence can appeal against these judgements if they believe the Trial Chamber erred in establishing the facts or applying the law, the Appeals Chamber will then consider all the arguments and make its final judgement.

What is important to stress here is, judgements issued by the Trial and Appeals Chambers of the ICTY contain facts about events and crimes cited in the indictments, which have been

proven beyond reasonable doubt. These facts were established on the basis of overwhelming evidence presented at trial, and they sometimes include testimonies of the accused who admitted their role in the crimes.

ICTY would like to draw attention of the citizens of Bosnia and Herzegovina to this fact and would like to call on all individuals engaging in the debate about events, which are subject of ICTY judgements to have a look and read these judgements before they engage in such debates. These judgements do not represent a comprehensive account of everything that happened in Bosnia during the war, but they do establish facts about certain events and crimes that constitute a very important part of that account.

Apart from this, just to remind you that the scheduling order has been issued for opening statements for Bosnia and Herzegovina and Croatia indictments of the Milosevic trial.

These opening statements will happen on the 26 September, the two weeks in between will be spent in preparation, if you are interested in following the Milosevic trial. I suggest you consult the pre-trial brief of the prosecution, available on the internet or we can endeavour to make it available in hard copy, which sets out the prosecution will proceed with its case, which witnesses will appear, what will they be talking about and everything.

Thank you.

Lieutenant Commander Yves Vanier – SFOR

Good morning. I have one point for you today related to the detention operation conducted by SFOR, yesterday, 11 September.

SFOR detained one individual suspected of having a terrorist link in the early morning of 11 September at an apartment in the Sarajevo area.

The operation took place without injuries and material damage was limited to a damaged door. The apartment was searched for evidence and SFOR removed various documents. No illegal weapons or ammunition were found.

The individual was detained for approximately 20 hours and then returned to his home. Under its mandate, SFOR can detain individuals suspected of posing a threat to the safe and secure environment for a period of 72 hours before releasing them or turning them over to local authorities.

In accordance with SFOR's mandate under Annex 1A to the Dayton Peace Accord, the Commander of SFOR may do all that he judges necessary and proper to maintain a safe and secure environment in Bosnia and Herzegovina. This operation was conducted in accordance with that mandate.

Oleg Milisic- OHR

I can see there are already questions.

Questions and Answers

Q: Merdijana Sadovic – ABC News

Yves, I am sure I understood you, was this person released or not?

A: Lieutenant Commander Yves Vanier – SFOR

Yes. He was released, yesterday evening at around 21:00.

Q: Merdijana Sadovic – ABC News

Also, why did you carry out this operation, why not the local police?

A: Lieutenant Commander Yves Vanier – SFOR

We had information, which made him a direct link to a known terrorist, known as Jose Padilla, who is presently in prison

in the United States. We had indication that this man had a direct link to Padilla and therefore conducted the operation.

Q: Merdijana Sadovic – ABC News

I am not sure we are talking about the same person, what is the name of the person that was detained?

A: Lieutenant Commander Yves Vanier – SFOR

The person we detained is Aletic Dzevad.

Q: Merdijana Sadovic – ABC News

Because he was released does that mean that he is not a suspect anymore?

A: Lieutenant Commander Yves Vanier – SFOR

We do not believe that at this time, that he poses a danger. That is why he was released.

Q: Aleksandar Dragicevic – AP

Did you find any evidence?

A: Lieutenant Commander Yves Vanier – SFOR

What we found is some documentation, which linked him to Jose Padilla.

We also found out that, there was another individual, which SFOR contacted through Dzavad, yesterday, this individual agreed to meet with an SFOR official, yesterday, because he had a link with Jose Padilla. SFOR spoke with him for a few hours and he was also released at 21:00 last evening.

Q: Daria Sito-Sucic – Reuters

If I get you right. You detained two persons, suspected of links with terrorism?

A: Lieutenant Commander Yves Vanier – SFOR

That is correct. One person was detained by an active operation by SFOR. The other person came in voluntarily, after being contacted by SFOR, through Dzevad.

Q: Daria Sito-Sucic – Reuters

Why did you not hand these people over to the local police?

A: Lieutenant Commander Yves Vanier – SFOR

Could you repeat your question please?

Q: Daria Sito-Sucic – Reuters

Why did you not hand these people over to the local police?

A: Lieutenant Commander Yves Vanier – SFOR

The sound is very bad; I cannot get your question at all.

Q: Daria Sito-Sucic – Reuters

Why did SFOR not hand these people over to the local police?

A: Lieutenant Commander Yves Vanier – SFOR

Because at this time, we believe that these two individuals do not pose a threat to the safe and secure environment and that is why we released them, last night at 21:00.

Daria Sito-Sucic – Reuters

Thank you.

Q: Sabina Arslanagic – AFP

Are they still suspects who do not pose threats or are they are no longer suspects and therefore do not pose a threat?

A: Lieutenant Commander Yves Vanier – SFOR

The link that both of them have with Padilla, still exists, but at this time they do not pose a threat to the safe and secure environment. Therefore, we have no grounds to turn them over to the local police authorities for arrest, so they are free. However, SFOR continues to monitor the situation in Bosnia and Herzegovina and as such will take whatever action is necessary to ensure a safe and secure environment here.

Q: Sabina Arslanagic – AFP

This link, is it incriminating for them or is it just they know the guy?

A: Lieutenant Commander Yves Vanier – SFOR

They have a direct link to a known terrorist, therefore it is of interest to SFOR to investigate this link and we did that yesterday, by speaking with these two individuals who were extremely co-operative.

Q: Amra Kebo – Oslobodenje

Could you please name the other individual?

A: Lieutenant Commander Yves Vanier – SFOR

I will not release the name of the second individual. He has been released because we do not believe he posed a threat and in order to protect his identity, I will not release his name

Q: Antonio Prlenda – Oslobodenje

If they do not pose a threat today, does it mean there was no threat yesterday either, or do you have reason to believe that yesterday, there was a threat, but today there is not. Can you elaborate more on this why yesterday, was there a threat, and today there is not?

A: Lieutenant Commander Yves Vanier – SFOR

In order to ensure a safe and secure environment in this country, SFOR has to follow all leads and with an indication that these two individuals had a direct link to a known terrorist and as such, posed a threat. We took the appropriate action because, it is much better for SFOR to take these indications seriously and conduct preventive detention and ascertain the facts, then when we find out that there is no need for concern, we then released the individuals. However, if there had been indication to the contrary, we would have taken different actions. In this case they did not commit a crime and posed no threat to the present environment therefore, were released.

Q: Antonio Prlenda – Oslobodenje

Does this mean your information from yesterday, was not correct?

A: Lieutenant Commander Yves Vanier – SFOR

Our information was correct. These two individuals had a direct link to a known terrorist. Therefore, we had to investigate and had to question the two individuals. Which, we did.

Q: Antonio Prlenda – Oslobodenje

Today they also have a direct link?

A: Lieutenant Commander Yves Vanier – SFOR

Can you…

Q: Antonio Prlenda – Oslobodenje

The direct link to that person also exists today. Did you have any information, that gave you reason to believe that on 11 September, they had to commit some terrorist acts?

A: Lieutenant Commander Yves Vanier – SFOR

No. The detention was not linked to the actual date of 11 September. We had indications that these two individuals had a link to a known terrorist and we had to investigate by detaining them. The link to the known terrorist was a possibility that remains. There was no evidence, that these two individuals had committed a crime, therefore had to be released. SFOR had information on these two individuals and had to investigate, in order to ensure that we continue to maintain a safe and secure environment in this country.

Q: Antonio Prlenda – Oslobodenje

Did you co-operate in anyway with the local police?

A: Lieutenant Commander Yves Vanier – SFOR

The local police were informed of the action of SFOR.

Q: Antonio Prlenda – Oslobodenje

Just informed, no co-operation in the operation?

A: Lieutenant Commander Yves Vanier – SFOR

During the operation early on 11 September, which took place at 03:00. They were informed ahead of time, but were not present when SFOR entered the apartment. But, they were informed before hand.

Q: Antonio Prlenda – Oslobodenje

Just one last question, I have heard information that the guy was released on Trebevic Mountain or left somewhere out in the street. As I recall you said he was left at his home, were exactly was he released?

A: Lieutenant Commander Yves Vanier – SFOR

He was released to his residence, he was driven

home.

Q: Antonio Prlenda – Oslobodenje

In the town of Sarajevo?

A: Lieutenant Commander Yves Vanier – SFOR

Yes.

Antonio Prlenda – Oslobodenje

Thank you.

Q: Nicholas Hawton – BBC

You say, that there is a link between Jose Padilla and these two individuals, what exactly was the link, what was the documentation and what made you believe that these people could be a threat?

A: Lieutenant Commander Yves Vanier – SFOR

We found out from Jose Padilla's, pocket-litter a list of names that he had associated with in the past. The names of the two individuals that we detained and questioned yesterday, were basically found by going through Padilla's contact list.

Q: Nicholas Hawton – BBC

Presumably, he probably had many friends and many contacts, what was it that made you think that, these people could be a threat to people in Bosnia or elsewhere?

A: Lieutenant Commander Yves Vanier – SFOR

I cannot go into any of those details. But, once you have names of two individuals in a pocket litter of someone who is an actual terrorist, we have to do the right thing and follow up and investigate and question these people and find out what their links were. Which, we did yesterday.

Q: Nicholas Hawton – BBC

How many people were on this list, are there people living in other countries or are their people in Bosnia?

A: Lieutenant Commander Yves Vanier – SFOR

I cannot comment on how many more names are on that list. I can only tell you, that these two people were on the list and were questioned yesterday, by SFOR.

Q: Sabina Arslanagic – AFP

Since at least one of these people we know studies abroad, did you instruct them to stay in the country and wait for this investigation to end or are they free to travel?

A: Lieutenant Commander Yves Vanier – SFOR

They were released and can go back to their activities.

Q: Sabina Arslanagic – AFP

Including leaving the country?

A: Lieutenant Commander Yves Vanier – SFOR

Yes.

Q: Mardijana Sadovic – ABC News

It seems to me that this investigation was really, really short are you sure that you detained the right persons, maybe they did have the same names, but were they the right persons from that list?

A: Lieutenant Commander Yves Vanier – SFOR

We did detain the right persons. Because, two of them actually identified a picture of the known terrorist, which is Padilla, both of them were shown the picture and said yes, we

know this individual. So, we are confident without any doubt that we have questioned the appropriate two individuals.

Q: Sabina Arslanagic – AFP

Do they know him personally or…?

A: Lieutenant Commander Yves Vanier – SFOR

They have clear contact with him either personally or through correspondence, I cannot really elaborate on that. But, they do have a direct link to Padilla.

Q: Aleksandar Dragicevic – AP

Was the tip to catch them from here or from abroad?

A: Lieutenant Commander Yves Vanier – SFOR

Could you say that again please?

Q: Aleksandar Dragicevic – AP

Was the tip to catch these two people from here or from abroad? Maybe somebody abroad, some country, organisation or whatever informed you that you must catch these people and talk to them or was it your intelligence in Bosnia?

A: Lieutenant Commander Yves Vanier – SFOR

I cannot disclose as to how the information came to us. But, we had to take appropriate action and detained these two individuals.

Oleg Milisic – OHR

– Thank you all very much, if there is nothing further. I will just ask you to stay in your seats, while we change over. Julian will brief you on the High Representatives activities and other Office of the High

Representative news.